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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DOUGLAS WAYNE BERRY,

11 Plaintiff,

No. CIV S-04-107 EFB

12 vs.

13 DEREK TAACA, et al.,

14 Defendants.

ORDER

15 _____/
16 By order filed January 17, 2007, the above-captioned case was set on the court's
17 February 14, 2007 calendar for consideration of dismissal for lack of prosecution. That order
18 provided that plaintiff's sworn declaration of facts in opposition be filed not later than twenty-
19 one days prior to the hearing. That deadline has passed and plaintiff has failed to respond.
20 Accordingly, the above-captioned case is DISMISSED for failure to prosecute. The Clerk is
21 directed to close the case.

22 So ordered.

23 DATED: February 1, 2007.

24 
25 EDMUND F. BRENNAN
26 UNITED STATES MAGISTRATE JUDGE